

### **REMARKS/ARGUMENTS**

Pending claims 4-6, 13-15 and 22-24 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,188,792 (Chujoh). Applicants respectfully traverse the rejection. As to claim 4, Chujoh nowhere teaches determining whether a processor is limited in its ability to compress video data based on whether a difference between a compress time for a current frame and a target frame period exceeds a threshold amount. In this regard, Chujoh nowhere teaches determining a processor's ability to compress based on compression times. Instead, all that Chujoh teaches is that compression is controlled based on output flow from an output buffer.

The Office Action contends that determining whether a processor is limited in its compression ability is disclosed by Chujoh's teaching of a limit delay time. However, all that Chujoh teaches with regard to this limit delay time is that it is "a delay time permitted for the output encoded data from the output buffer 115." Chujoh, col. 6, lns. 62-65. Thus Chujoh controls encoding "so that the delay time of the output encoded data from the output buffer 115 is within the limit delay time (limit\_delay (msec))." Chujoh, col. 7, lns. 1-3. Accordingly, Chujoh nowhere discloses determining whether a processor is limited based on whether a difference between a compress time for a current frame and a target frame period exceeds a threshold amount. Accordingly claim 4 and its dependent claims are patentable over Chujoh. For at least the same reasons, independent claims 13 and 22 and the claims depending therefrom are similarly patentable.


New claims 28-32 are patentable for at least the same reasons as the independent claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

Date: \_\_\_\_\_

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